

NOTICE OF HEARING

June 12, 2019

**TO: 1175 CAMPBELL AVE LLC
C/O RICHARD BROWN
16270 KENNEDY ROAD
LOS GATOS, CA 95032-6435**

AGENDA ITEM:	6a
HEARING DATE:	June 27, 2019
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall Council Chambers 200 E Santa Clara Street San Jose, CA 95113

RE: COMPLIANCE ORDER DATED	JANUARY 23, 2019
FILE NO:	201819562
PERMIT NO:	N/A
VIOLATION ADDRESS:	1175 CAMPBELL AVENUE
ORIGINAL INSPECTION DATE:	OCTOBER 11, 2018
COMPLIANCE DATE:	FEBRUARY 25, 2019

ATTENTION RESPONSIBLE PARTY/PROPERTY OWNER:

Based upon the enclosed "Inspection Report," the Director of Planning, Building and Code Enforcement has determined that full compliance with the above referenced "Compliance Order" has not been achieved as of the "Compliance Date." As stated in the Compliance Order, you had a right to contest the issuance of the Compliance order through a hearing before the Director. However, you did not exercise this right. Therefore, the next step in the process under the San Jose Municipal Code is a hearing before the City of San Jose's Appeals Hearing Board (Board). Your hearing is set for June 27, 2019, at 6:30 p.m. The hearing date is firm to ensure the prompt disposition of cases. All parties and their representative(s) must regard the date set for hearing as certain. A party seeking a continuance of the date set for hearing, whether contested or uncontested or stipulated to by the parties, must make the request for a continuance as soon as possible, and specify the grounds for continuance. A continuance may be granted on an affirmative showing of good cause specified in subsection b, and based on consideration of the facts and circumstances specified in subsection c of Section 408 of the Appeals Hearing Board Rules and Regulations.

San Jose Municipal Code section 1.14.060 (E) provides that the Hearing will be limited to whether or not compliance has been achieved and the assessment of penalties. However, Code Enforcement will ask that the Board issue findings as well.

The Board shall consider any written or oral evidence consistent with its rules and procedures regarding the violation and compliance by the violator or by the real property owner. Notification of matters to be presented to the Appeals Board including, but not limited to, documents and exhibits, must be exchanged between the parties, and provided to the Secretary of the Appeals Hearing Board, clearly identifying that the submittals are for the Appeals Hearing Board, identifying the hearing by title, and specifying the relevant hearing date(s), no later than ten (10) days before the scheduled hearing so that there is adequate time for City staff to prepare the packets for the Board members. (Section 307 of the Appeals Hearing Board Rules and Regulations). The Board will issue written

findings that the violation is deemed admitted under the Code and whether the responsible party failed to make required corrections within the compliance period.

If the Board finds by a preponderance of the evidence that the violation has occurred and was not corrected within the specified period, the Board will issue an Administrative Order. The Administrative Order may include any or all of the following:

- An order to correct;
- Administrative penalties in an amount up to two thousand five hundred dollars (\$2,500.00) a day per violation;
- Reimbursement of all of the City's enforcement costs.

NOTE: Administrative Penalties imposed by the Board shall accrue from the Compliance Date specified in the Compliance Order and cease to accrue on the date the violation is corrected as determined by the Director or the Board. Failure to pay the assessed penalties and costs may be enforced as:

- A personal obligation of the violator; and/or
- If the violation is in connection with real property, a lien upon the real property. Consistent with California Code of Civil Procedure Section 685.010, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of an administrative lien, from the date the lien is first recorded until the date that payment is received by the City.


If the Board finds that no violation has occurred or that the violation was corrected within the time period specified in the Compliance Order, the Board shall issue a finding of those facts.

The Hearing serves to provide the full opportunity of any person subject to a Compliance Order to object to the determination that a violation has occurred and/or that the violation has continued to exist. The failure of any person subject to a Compliance Order to appear at the hearing shall constitute a failure to exhaust administrative remedies.

You are welcome to bring an interpreter, attorney, or any other person to assist you at this meeting. Please notify Board Secretary Karla Caceres at (408) 535-7720 at least seven (7) days before the meeting date if you will be bringing interpreters, attorneys or other persons to assist you at the meeting.

A copy of the Compliance Order is attached for your information. Should you have any questions regarding this matter, please contact Code Enforcement Inspector Hector Ortiz at (408) 793-6901

NOTE: If all outstanding violations now have been corrected you must schedule another inspection to avoid continuing administrative penalties. Please contact Inspector Hector Ortiz at 408-793-6901 to make the arrangements. You will be subject to administrative charges for this follow-up inspection. Regardless of the results, the Hearing will NOT be cancelled.


Rachel Roberts, Acting Code Enforcement Official
Planning, Building and Code Enforcement

Enclosures

CITY OF SAN JOSÉ
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
200 E. Santa Clara Street, San Jose, CA 95113
(408) 535-7770 FAX (408) 292-6924

HEARING BEFORE

THE SAN JOSE APPEALS HEARING BOARD
CITY OF SAN JOSE - CITY HALL, COUNCIL CHAMBERS
200 E SANTA CLARA STREET, SAN JOSE, CA 95113

HEARING DATE: June 27, 2019

HEARING TIME: 6:30 p.m.

AGENDA ITEM NO: 6a

CODE ENFORCEMENT DIVISION - INSPECTION REPORT

RE: ASSESSOR'S PARCEL #: 230-13-008

OWNER: 1175 CAMPBELL AVE LLC
C/O RICHARD BROWN
16270 KENNEDY ROAD
LOS GATOS, CA 95032

LOCATION: 1175 CAMPBELL AVENUE
SAN JOSE, CA 95126

COMPLAINT DATE:

OCTOBER 10, 2018

COMPLIANCE ORDER INSPECTION DATE: FEBRUARY 28, 2019

COMPLIANCE ORDER MAILING DATE: JANUARY 23, 2019

SAN JOSE MUNICIPAL CODE SECTIONS: 20.01.130, 20.50.010, 20.50.010

COMPLIANCE DUE DATE: FEBRUARY 25, 2019

REINSPECTION DATE: MAY 6, 2019

INSPECTION REPORT DATE: MAY 21, 2019

INSPECTOR: HECTOR ORTIZ

ANALYSIS AND RECOMMENDATIONS

I. RECOMMENDATION

Code Enforcement staff recommends that the Appeals Hearing Board uphold the Director of Planning, Building and Code Enforcement's determination that compliance with the Compliance Order, described below, was not achieved by the Compliance Date and include the following findings of fact, conclusions and orders in its Administrative Order.

II. PROCEDURAL STATUS

This Compliance Order was issued under the provisions of San Jose Municipal Code Section 1.14.030. This procedure was intended to provide an opportunity for the property owners to appeal the issuance of compliance orders and streamline the process.

Under this procedure, the property owner was given an opportunity for an intermediate review of the basis for issuing the Compliance Order. If the property owner disputes the basis for the Compliance Order, he or she may request a hearing before the Director. (San Jose Municipal Code Section 1.14.045.) However, if the person does not contest the Compliance Order, the basis for the compliance is admitted, and this Board's role is to determine whether compliance has been achieved, and to assess penalties. San Jose Municipal Code Section 1.14.060(E). That section provides as follows:

If the person subject to the compliance order fails to request a director's hearing, or fails to file an appeal after the decision of the director, the basis for the issuance of a compliance order will be deemed admitted, and the hearing shall be limited to whether or not compliance has been achieved and the assessment of penalties.
SJMC Section 1.14.060(E).

As set forth in detail below, the Property Owner did not request a hearing before the Director. Therefore, this hearing is limited to whether or not compliance has been achieved and the assessment of penalties.

III. FACTS

A. Complaint Received

On October 10, 2018, Code Enforcement received a telephone complaint that the Light Industrial zoned parcel, located at 1175 Campbell Avenue, San Jose, CA, 95126, ("Subject Property") was doing construction without permits on the property.

B. Pre-Compliance Order Investigation

On October 11, 2018, Code Enforcement, Inspector Rick Arnaiz, inspected the Subject Property. Inspector Arnaiz observed no active construction taking place at the property. True and correct photographs of the inspection are attached hereto as **Exhibit A**.

On October 18, 2018, Code Enforcement Inspector, Sean Flanagan, researched the Santa Clara County property ownership records and found that 1175 Campbell Avenue, LLC C/O Richard Brown, was the legal owner of 1175 Campbell Avenue, San Jose, CA, 95126, as shown on the latest property assessment roll. True and correct copies of the Grant Deed, Parcel Map, County Assessor Property Information, and California Secretary of State Business Information, are included as **Exhibit B**.

On November 26, 2018, Code Enforcement received an additional complaint of an unpermitted tow yard being run from the property.

On December 4, 2018, Code Enforcement Inspector, Sean Flanagan, researched the zoning of the property to be Light Industrial (LI). A screen shot showing the zoning of the property from *sipermits.org* property information is attached hereto as **Exhibit C**.

On December 04, 2018, Code Enforcement Inspector, Sean Flanagan, inspected the Subject Property and observed the property was being used as a storage yard for inoperable vehicles and motorcycles. True and correct photographs of the inspection are attached hereto as **Exhibit D**.

On December 5, 2018, the case was reassigned to Code Enforcement Inspector, Hector Ortiz.

On December 6, 2018, Code Enforcement Inspector, Hector Ortiz, researched the property through City of San Jose permitting database, AMANDA, and found no associated Conditional Use Permit (CUP) for the property.

On December 06, 2018, Code Enforcement Inspector, Hector Ortiz, inspected the Subject Property in the presence of and with the consent of the Tow Manager, Javier Padilla. Mr. Padilla advised that he occupied the property and intended to run a tow yard business from it. Inspector Ortiz observed the property was being used as storage yard for towed vehicles. Mr. Padilla was informed that he did not have a conditional use permit allowing the use of the property as a tow yard. Mr. Padilla stated that he had hired a consultant to begin the process of applying for a CUP. True and correct photographs of the inspection are attached hereto as **Exhibit E**.

C. Alleged Code Violations

1. San Jose Municipal Code Section 20.10.030 – Compliance with Title Provision Required

No Person shall use, allow or suffer the use of any land, building or structure except in strict compliance with the provisions of this Title 20, including the development and performance standards herein, and any permit issued pursuant hereto. The temporary nature or transitory nature of a use does not exempt it from this requirement.

The property is being used as a tow yard without Planning Division approval and permit(s), in violation of SJMC 20.10.030.

2. San Jose Municipal Code Section 20.50.010– Permits Required

No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the IP, LI and HI Industrial Districts except as set forth in this Chapter (20.50 of the San Jose Municipal Code)

The Subject Property is zoned LI. There are stored towed vehicles and it is being used as a tow yard without the necessary Planning Division permit in violation of SJMC 20.50.010.

3. San Jose Municipal Code Section 20.50.100 – Allowed uses and permit requirements.

Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
Vehicle Related Uses						
Vehicle tow yard	-	-	-	C	S	

SJMC 20.50.100 requires that properties zoned LI obtain a conditional use permit to be used as vehicle tow yards. The Subject Property is zoned LI and is currently being used as a vehicle tow yard without the required CUP from City of San Jose Planning Division.

D. Inspection Notice Issued

On December 06, 2018, Inspector Ortiz, prepared and mailed to the Property Owner of record, 1175 Campbell Avenue LLC C/O Richard Brown, 16270 Kennedy Road, Los Gatos, CA, 95032, an Inspection Notice dated December 06, 2018. The Inspection Notice provided the Property Owner with notice and a description of the violations of San Jose Municipal Code Sections 20.10.030, 20.50.010 B & 20.50.100 and that the Property Owner shall:

Option A:

- **On or before January 22, 2019**, cease the use of a tow yard on the property. This includes removing all vehicles and all business related items.

OR

Option B:

1. **On or before December 19, 2018**, contact Planner Ed Schreiner at Edward.Schreiner@sanjoseca.gov or 408-535-7601, to discuss permit requirement, compliance, and corrective actions required, regarding the violation(s) at the subject property.
2. **On or before January 22, 2019**, submit a complete application to obtain a Conditional Use Permit, and/or other Planning approvals as required by the Planning Department, to allow the vehicle tow yard use. All fees must be paid and required documents submitted in order for the application to be considered a valid submittal.
3. **On or before May 22, 2019**, obtain approved Conditional Use Permit by the City of San Jose.

A copy of the Inspection Notice is attached hereto and incorporated herein by this reference as **Exhibit F**.

E. Re-inspections and Other Post Inspection Notice Activity

On January 23, 2019, Inspector Ortiz, checked the City of San Jose permitting database, AMANDA, and confirmed that a CUP has not been applied for on the Subject Property.

On January 23, 2019, Inspector Ortiz, conducted an inspection on the property and observed that the property is being used as a tow yard with no changes. Inspector Ortiz, spoke to the tow yard administrative staff and informed them to have Javier Padilla, Tow Manager, call Inspector Ortiz.

F. Compliance Order Issued

On January 23, 2019, Inspector Ortiz, prepared and mailed to the Property Owner of record, 1175 Campbell Avenue, LLC, C/O Richard Brown, 16270 Kennedy Road, Los Gatos, CA, 95032, a Compliance Order, dated January 23, 2019.

The Compliance Order provided the Property Owner with notice and a description of the violations of San Jose Municipal Code Sections 20.10.030, 20.50.010, & 20.50.100, and that the Property Owner shall:

Option A:

- **On or before February 25, 2019**, cease the use of a tow yard on the property. This includes removing all vehicles and all business related items.

OR

Option B:

1. **On or before February 7, 2019**, contact Planner Ed Schreiner at Edward.Schreiner@sanjoseca.gov or 408-535-7601, to discuss permit requirement, compliance, and corrective actions required, regarding the violation(s) at the subject property.
2. **On or before February 25, 2019**, submit a complete application to obtain a Conditional Use Permit, and/or other Planning approvals as required by the Planning Department, to allow the vehicle tow yard use. All fees must be paid and required documents submitted in order for the application to be considered a valid submittal.
3. **On or before June 25, 2019**, obtain approved Conditional Use Permit by the City of San Jose.

The Compliance Order, mailed to Property Owner at 16270 Kennedy Road, Los Gatos, CA, on January 22, 2019, was not returned undeliverable. A copy of the Compliance Order is attached hereto and incorporated herein by this reference as **Exhibit G**.

The Compliance Order explains the appeal process as follows:

The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued a Compliance Order (Compliance Order) alleging that the subject

property is in violation with the San Jose Municipal Code. Failure to correct all violations listed in the notice, before the compliance date may result in administrative penalties up to \$2,500 per day for each violation until compliance is achieved as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal or civil, which may be pursued by the city in response to any violation.

If you believe that your property is not in violation with the San Jose Municipal Code and you dispute the basis for Compliance Order, you MUST file a request for a Director's hearing within fourteen (14) calendar days of the date of the Inspection Notice was mailed or personally delivered to the responsible person(s).

Your request for hearing must be mailed or personally delivered to:

City of San Jose
Code Enforcement Division
200 East Santa Clara Street 3rd floor
San Jose, CA 95113-1905

Your request for an appeal must be received by the City within the timeline above.

If you do not file a request for hearing, the Compliance Order will become final. If a timely appeal is filed, then a hearing will be scheduled. You will receive at least seven (7) days' notice that a hearing on your appeal will take place.

The Director's hearing is informal and provides you with an opportunity to present your evidence and testimony in dispute of the Compliance Order. After the close of the hearing, the Director will make a decision. The written decision will be mailed within 5 business days of the hearing. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board. That Board is described at:

<http://www.sanjoseca.gov/clerk/CommissionBoard/AppealsHear.asp>

Your rights when a Compliance Order is issued are contained in the San Jose Municipal Code Section 1.14.030 and the following sections. It is available online at www.sanjoseca.gov by clicking on the link at the right of the page, "Municipal Code."

The Property Owner, 1175 Campbell Ave, LLC, C/O Richard Brown, did not request a hearing.

G. Re-inspections and Other Post Compliance Order Activity

On February 20, 2019, Inspector Ortiz, conducted an inspection of the property and verified that the property was still being used as a tow yard without a conditional use permit. Tow Manager, Javier Padilla, was not available. Administrative staff was informed to notify Javier to contact Code Enforcement.

On February 22, 2019, Code Enforcement Inspector Hector Ortiz received a phone call from property owner, Drew Brown, inquiring about status of conditional use permit application. He informed Drew that the process had not been started by the current tenant.

On February 28, 2019, Inspector Ortiz, conducted an inspection on the property and verified that the property was still being used as a tow yard without the submittal of a condition use permit. Tow Manager, Javier Padilla, stated that he had not started the conditional use permit process as required in the Compliance Order.

On March 5, 2019, Code Enforcement Inspector Hector Ortiz prepared and mailed an Appeals Hearing Board Warning Letter, dated March 5, 2019, to the Property Owner of record, 1175 Campbell Avenue, LLC, C/O Richard Brown, at 16270 Kennedy Road, Los Gatos, CA, 95032.

A copy of the Appeals Hearing Board Warning Letter is attached hereto and incorporated herein by this reference as **Exhibit H**.

On May 6, 2019, Code Enforcement Inspector Hector Ortiz conducted an inspection on the property and verified that the property was still being used as a tow yard without the submittal of a conditional use permit. True and correct photographs of the inspection are attached hereto as **Exhibit I**.

May 14, 2019, Inspector Ortiz was contacted by City of San Jose Planning staff that an appointment has been made by Century Tow staff, to submit their CUP application on May 16, 2019, at 11:00 a.m.

On May 16, 2019, Inspector Ortiz was contacted by City of San Jose Planning staff at 9:49 a.m. that Century Tow canceled their appointment to submit their CUP application.

On May 21, 2019, Inspector Ortiz, checked the City of San Jose permitting database, AMANDA, and confirmed that a CUP has not been applied for.

H. Administrative Costs

In connection with this matter before the Appeals Hearing Board, the City of San Jose has incurred Administrative Costs that can be assessed against the Property Owner(s). These Administrative Costs total \$1,694.00 and are fully itemized on Attachment 1 attached hereto and incorporated herein by this reference.

I. Administrative Penalties

In connection with this matter, Code Enforcement staff recommends, pursuant to San Jose Municipal Code Section 1.14.090, the imposition of Administrative Penalties in the amount of \$15,000. If full compliance with the Board's Order is not achieved by August 11, 2019, if choosing to vacate the property, or by November 30, 2019, if choosing to pursue the conditional use permit. Code Enforcement staff recommends the imposition of additional Administrative Penalties in the amount of \$2,500.00 per day starting on August 12, 2019 or December 1, 2019, whichever is applicable, until the date of compliance with the Board's Order, up to a maximum of \$100,000.

These Administrative Penalty amounts are recommended in consideration of the following:

1. The Code violations observed at 1175 Campbell Ave have been in existence since December 4, 2018; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated January 23, 2019; and
3. There have been 19 reporting parties that have reported to Code Enforcement that the tow yard negatively impacts the surrounding community because of its blighted appearance; and
4. The Property Owner(s) has failed in good faith towards correction of the Municipal code violations found on the Subject Property.

IV. CODE ENFORCEMENT STAFF RECOMMENDATIONS

A. Code Enforcement staff recommends that, based upon analysis of the above facts the Appeals Hearing Board concludes and finds that:

1. 1175 Campbell Avenue LLC C/O Richard Brown is the owner of the property located at 1175 Campbell Avenue and is responsible for the Code violations on the property.

2. On December 4, 2018, and May 6, 2019, and on all those dates in between, the property located at 1175 Campbell Ave, was in violation of 20.10.030, 20.50.010 & 20.50.100. The Property Owner(s) failed to correct the identified violations.
3. Compliance with the requirements set forth in the Compliance Order dated January 23, 2019, was not achieved by the specified compliance date of February 25, 2019.

B. Code Enforcement staff recommends that, based upon analysis of the above referenced facts, conclusions and findings, the Appeals Hearing Board further concludes and finds that:

1. The Code violations observed at 1175 Campbell Avenue have been in existence since December 4, 2018; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated January 23, 2019; and
3. There have been 19 reporting parties that have reported to Code Enforcement that the tow yard negatively impacts the surrounding community because of its blighted appearance; and
4. The Property Owner(s) has failed in good faith towards correction of the Municipal code violations found on the Subject Property.

C. Code Enforcement staff recommends that, based upon the facts and findings set forth above, the Appeals Hearing Board hereby orders that:

1. The Violation Occurred

Pursuant to San Jose Municipal Code section 1.14.060(E), the Property Owner failed to timely request a hearing before the Director. Therefore, the basis for the Compliance Order is deemed admitted. Even if not deemed admitted, sufficient facts were presented to the Board to determine that the violations occurred.

2. Order to Correct

Option A:

- On or before August 11, 2019, cease the use of a tow yard on the property. This includes removing all vehicles and all business related items.

OR

Option B:

- On or before July 31, 2019, contact Code Planner at 408-535-7770, to discuss permit requirement, compliance, and corrective actions required, regarding the violation(s) at the subject property.
- On or before August 31, 2019, submit a complete application to obtain a Conditional Use Permit, and/or other Planning approvals as required by the Planning Department, to allow the vehicle tow yard use. All fees must be paid and required documents submitted in order for the application to be considered a valid submittal.
- On or before November 30, 2019, obtain approved Conditional Use Permit by the City of San Jose.

3. **Administrative Costs**

On or before July 31, 2019, the Property Owner shall pay Administrative Costs to the City of San Jose in the amount of \$1,694.00.

4. **Administrative Penalties**

On or before July 31, 2019, the Property Owner(s) shall pay Administrative Penalties to the City of San Jose, pursuant to San Jose Municipal Code Section 1.14.090, in the amount of \$15,000.00. If full compliance with the Board's Order is not achieved by August 11, 2019 if choosing to vacate property, or by November 30, 2019 if choosing to pursue the conditional use permit, the Property Owner(s) shall pay additional Administrative Penalties in the amount of \$2,500.00 per day, from August 12, 2019, or from December 1, 2019, until the date of compliance with the Board's Order, up to a maximum of \$100,000.00. If the Administrative Penalties are not paid and are recorded as a lien on the real property pursuant to San Jose Municipal Code Sections 1.14.160 and 1.14.180, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of the administrative lien, from the date the lien is first recorded until the date that payment is received by the City, consistent with California Code of Civil Procedure Section 685.010, as may be amended.

ATTESTING STATEMENT OF CODE ENFORCEMENT INSPECTOR

1. I am the Code Enforcement Inspector of the City of San Jose assigned to investigate the potential Municipal Code violations at 1175 Campbell Avenue that are the subject of this Inspection Report; and
2. I have prepared or reviewed this Inspection Report and can attest to the truth of the matters within my knowledge stated above.



SIGNATURE OF HECTOR ORTIZ

Code Enforcement Inspector
Badge Number 132E

ATTACHMENT 1

DETAIL OF ADMINISTRATIVE COSTS

RE: COMPLIANCE ORDER, DATED JANUARY 23, 2019
 FILE NO: 201819562
 PERMIT NO: N/A
 VIOLATION ADDRESS: 1175 CAMPBELL AVENUE
 INSPECTION DATE: JANUARY 23, 2019
 COMPLIANCE DATE: FEBRUARY 25, 2019

December 6, 2018	Santa Clara County Property Ownership Research	\$136.00
December 6, 2018	Zoning Research	\$136.00
January 23, 2019	Compliance Order Inspection	\$136.00
January 22, 2019	Compliance Order	\$136.00
N/A	Building Compliance Inspection	\$00.00
May 7, 2019	Hearing Paperwork	\$812.00
May 20, 2019	Attorney Review	\$202.00
June 27, 2019	Hearing	\$136.00

TOTAL	\$1,694.00
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<u>Effective July 1, 2014</u>	<u>Code Enforcement Hourly Rate:</u>	<u>\$125.00</u>
<u>Effective July 1, 2015</u>	<u>Code Enforcement Hourly Rate:</u>	<u>\$126.50</u>
<u>Effective July 1, 2016</u>	<u>Code Enforcement Hourly Rate:</u>	<u>\$132.30</u>
<u>Effective July 1, 2017</u>	<u>Code Enforcement Hourly Rate:</u>	<u>\$132.00</u>
<u>Effective July 1, 2018</u>	<u>Code Enforcement Hourly Rate:</u>	<u>\$136.00</u>
	<u>City Attorney Hourly Rate:</u>	<u>\$202.00</u>

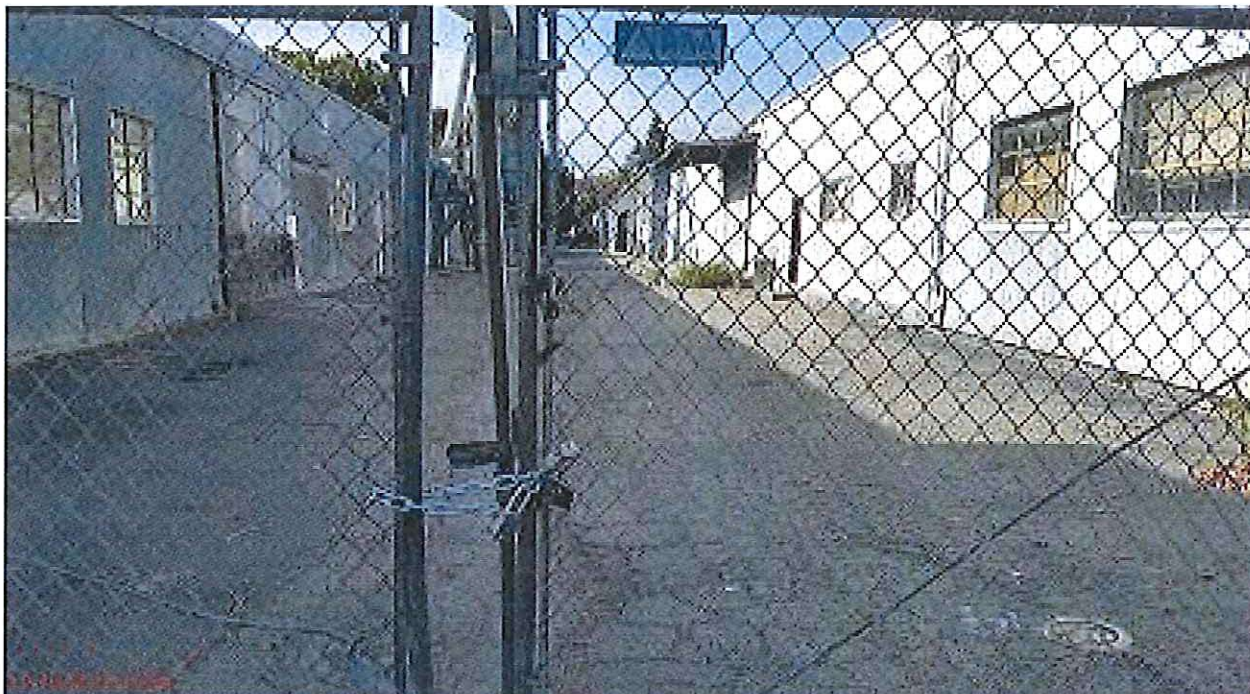
EXHIBIT A



10/11/18 – Front view of property.



10/11/18 – Front view of property.



10/11/18 – Front view of inside of property.

EXHIBIT B

RECORDING REQUESTED BY
First American Title Company National Commercial
Services

AND WHEN RECORDED MAIL DOCUMENT TO:
1175 Campbell Ave, LLC
R & C Brown & Associates
1475 S Bascom Avenue Suite 206
Campbell, CA 95008

DOCUMENT: 22674398



REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Recording Service

Space Above This Line for Recorder's Use

A.P.N.: 230-13-008 and 230-13-009

File No

GRANT DEED

The undersigned Grantor(s) declare(s) that Documentary Transfer Tax shall be shown on
or Statement of Tax Due and not of public record pursuant to revenue & taxation code

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **William C.
W Montana, Successor Trustees of The Lindsell Family Revocable Trust, dated July 1, 2008**

hereby GRANTS to **1175 Campbell Ave, LLC, a California limited liability company**
the following described property in the City of **San Jose**, County of **Santa Clara**, State of **California**

PARCEL ONE:

PARCEL NO. 1:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF LOT 13 WITH THE CENTER LINE OF CAMPBELL AVENUE, 40 FEET WIDE, AS SAID LOT 13 AND LOT 14 ARE SHOWN UPON THE MAP HEREINAFTER REFERRED TO; RUNNING THEN ALONG THE CENTER LINE OF CAMPBELL AVENUE N. 58° 07' W. 72.03 FEET; THENCE LEAVING THE CENTER LINE AND RUNNING PARALLEL TO SAID SOUTHEASTERLY LINE OF LOT 13 AT AN ANGLE OF 31° 52' W. 604.74 FEET TO SAID SOUTHWESTERLY LINE OF SAID LOT 13; THENCE ALONG SAID LAST NAMED LINE S. 70° 48' E. 73.82 FEET, MORE OR LESS, TO THE SOUTHERLY CORNER OF SAID LOT; RUNNING THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 13, NO. 31° 52' E. 588.53 FEET TO THE POINT OF BEGINNING OF SAID LOT 13, AS SAID LOT IS SHOWN UPON THAT CERTAIN MAP ENTITLED "SUBDIVISION OF THE O'BRIEN FARM", WHICH SAID MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN BOOK "A" OF MAPS, AT PAGE 88, RECORDS OF SAID COUNTY

Grant Deed - continued

BEGINNING AT A POINT IN THE CENTER LINE OF CAMPBELL AVENUE, 40 FEET DISTANT THEREON N. 58° 07' W. 72.03 FEET FROM THE POINT OF INTERSECTION WITH THE SOUTHEASTERLY LINE OF LOT 13, AS SAID AVENUE AND LOT ARE SHOWN ON THE MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE O'BRIEN FARM," WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN JOAQUIN, CLARA, STATE OF CALIFORNIA IN BOOK "A" OF MAPS, AT PAGE 88, AND RUNNING THENCE SAID POINT OF BEGINNING S. 31° 52' W. 604.74 FEET, THE NORTHERLY TERMINUS OF SAID 17.5 FOOT STRIP BEING THE CENTERLINE OF CAMPBELL AVENUE AND THE SOUTHERLY TERMINUS BEING THE SOUTHWESTERLY LINE OF LOT 13 ABOVE DESCRIBED.

PARCEL TWO:

PARCEL NO. 1:

BEGINNING AT A POINT IN THE CENTER LINE OF CAMPBELL AVENUE, 40 FEET DISTANT THEREON N. 58° 07' W. 72.03 FEET FROM THE POINT OF INTERSECTION WITH THE SOUTHEASTERLY LINE OF LOT 13, AS SAID AVENUE AND LOT ARE SHOWN ON THE MAP HEREIN REFERRED TO; RUNNING THENCE PARALLEL TO SAID SOUTHERLY LINE OF SAID LOT 13, S. 31° 52' W. 604.74 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID LOT 13; RUNNING THENCE ALONG SAID SOUTHWESTERLY LINE N. 70° 48' W. 73.82 FEET, MORE OR LESS, TO A POINT IN SAID SOUTHWESTERLY LINE DISTANT THEREON N. 70° 48' W. 147.65 FEET FROM THE SOUTHERLY CORNER OF SAID LOT 13; THENCE RUNNING PARALLEL TO SAID SOUTHEASTERLY LINE OF SAID LOT 13, N. 31° 52' E. 620.95 FEET TO THE POINT OF INTERSECTION THEREOF WITH SAID CENTER LINE OF CAMPBELL AVENUE; THENCE ALONG SAID LAST NAMED LINE S. 58° 07' E., 72.03 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF LOT 13, AS SHOWN ON MAP OF THE SUBDIVISION OF THE O' BRIEN FARM, FILED IN BOOK "A" OF MAPS, PAGE 88, RECORDS & RETURNED TO THE COUNTY.

PARCEL NO. 2:

AN EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, OVER A STRIP OF LAND 17.5 FEET WIDE, THE NORTHERLY TERMINUS OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF CAMPBELL AVENUE, 40 FEET DISTANT THEREON N. 58° 07' W. 72.03 FEET FROM THE POINT OF INTERSECTION WITH THE SOUTHEASTERLY LINE OF LOT 13, AS SAID AVENUE AND LOT ARE SHOWN ON THE MAP OF THE SUBDIVISION OF THE O' BRIEN FARM, FILED IN BOOK "A" OF MAPS, PAGE 88, RECORDS & RETURNED TO THE COUNTY.

Grant Deed - continued

Date: 08/05/2014

A.P.N.: 230-13-008 and 230-13-009

File No.: NCS-661

Dated: 08/05/2014

The Lindsell Family Revocable Trust

William C. Lindsell
William C. Lindsell, Co-Trustee

Joseph W. Montana
Joseph W. Montana, Co-Trustee

STATE OF California)SS
COUNTY OF San Joaquin)

On Aug 7, 2014, before me, Scott Bayhouse,
Public, personally appeared Joseph W. Montana,
who proved to me on the basis of satisfactory
be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their sign
the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the in:

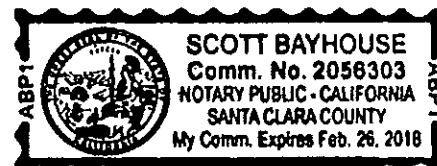
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing para
true and correct.

WITNESS my hand and official seal.

Signature

Scott Bayhouse

My Commission Expires: 2/26/18



This area for official notarial seal

State of: California
County of: Santa Clara

On 8/7/2014, before me B. Ferrill, notary public personally a

William C. Lindsell

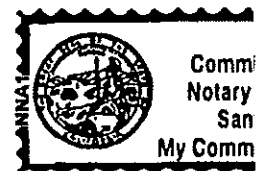
who proved to me on the basis of satisfactory evidence to be the person(s) name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon which the person(s) acted, executed the instrument.

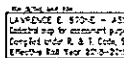
I certify under **PENALTY OF PERJURY** under the laws of the State of Ca that the foregoing is true and correct.

Witness my hand and official seal.

B. Ferrill

Notary Name: B. FERRILL
Commission expires: MAY 7, 2016
Commission #: 1977545
Notary Phone: 408-451-7800





Inspection Notice
1175 Campbell Avenue
Page 23

Property Information (APN: 230-13-008)

Situs Address (es) : 1175 CAMPBELL AV SAN JOSE 95126-1060

Mailing Address: 16270 KENNEDY RD LOS GATOS CA 95032


Current Information Assessed Value

PROPERTY INFORMATION			
Document No:	22674398	Document Type:	GRANT DEED
Transfer Date:	8/8/2014	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-108	
City:	San Jose
Unified School:	San Jose
Comm. College:	San Jose
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone C-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2018)					
Real Property		Business		Exemptions	
Land:	\$1,320,331	Fixtures:	\$0	Homeowner:	\$0
Improvements:	\$0	Structure:	\$0	Other:	\$0
		Personal Property:	\$0		
Total:	\$1,320,331	Total:	\$0	Total:	\$0
					\$1,320,331

DISCLAIMER: This service has been provided to allow easy access and a visual display of County information. A reasonable effort has been made to ensure the accuracy of the data provided; nevertheless, some information may be out of date or may not be accurate. The County of Santa Clara assumes no responsibility arising from use of this information. ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating the data. [Revenue and Taxation Code Section 408.3(c)]

	Secretary of State Statement of No Change (Limited Liability Company)	LLC-12NC
	IMPORTANT — Read instructions before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change. Filing Fee — \$20.00 Copy Fee — \$1.00; Certification Fee — \$5.00 plus copy fee	

18-B49862

FILED

In the office of the Secretary of State
of the State of California

APR 27, 2018

This Space For Office Use Only

1. **Limited Liability Company Name** (Enter the exact name of the LLC as it is recorded with the California Secretary of State. Note: If you registered in California using an alternate name, see instructions.)

1175 CAMPBELL AVE LLC

2. **12-Digit Secretary of State File Number**

201414710307

3. **State, Foreign Country or Place of Organization** (only if formed outside of California)

CALIFORNIA

4. **No Change Statement** (Do not alter the No Change Statement. If there has been any change, please complete a Statement of Information (Form LLC-12).)

There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.

5. The information contained herein is true and correct.

04/27/2018

Date

Shannon Harder Ronald

Type or Print Name of Person Completing the Form

Finance

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document, enter the name of a person or company and the mailing address. This information will become public when filed. (SEE INSTRUCTIONS BEFORE COMPLETING.)

Name:

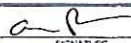
Company:

Address:

City/State/Zip:

LLC-12NC (REV 01/2017)

2017 California Secretary of State
www.sos.ca.gov/business/ta

State of California Secretary of State		39	L
STATEMENT OF INFORMATION (Limited Liability Company) Filing Fee \$20.00. If this is an amendment, see instructions. IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM			
1. LIMITED LIABILITY COMPANY NAME 1175 Campbell Ave LLC			
This Space For Filing Use Only			
File Number and State or Place of Organization			
2. SECRETARY OF STATE FILE NUMBER 201414710307		3. STATE OR PLACE OF ORGANIZATION (if formed outside of California)	
No Change Statement			
4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no Statement of Information has been previously filed, this form must be completed in its entirety. <input type="checkbox"/> If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.			
Complete Addresses for the Following (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes)			
5. STREET ADDRESS OF PRINCIPAL OFFICE		CITY	STATE ZIP CODE
16270 Kennedy Rd		Los Gatos, CA	95032
6. MULTIPLE ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5		CITY	STATE ZIP CODE
7. STREET ADDRESS OF CALIFORNIA OFFICE		CITY	STATE ZIP CODE
16270 Kennedy Rd		Los Gatos	CA 95032
Name and Complete Address of the Chief Executive Officer, if Any			
8. NAME	ADDRESS	CITY	STATE ZIP CODE
Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member (Attach additional pages, if necessary)			
9. NAME	ADDRESS	CITY	STATE ZIP CODE
Richard Brown	16270 Kennedy Rd	Los Gatos, CA	95032
10. NAME	ADDRESS	CITY	STATE ZIP CODE
11. NAME	ADDRESS	CITY	STATE ZIP CODE
Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.			
12. NAME OF AGENT FOR SERVICE OF PROCESS Richard Brown			
13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL		CITY	STATE ZIP CODE
16270 Kennedy Rd		Los Gatos	CA 95032
Type of Business			
14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY Real Estate Management and Development			
15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.			
7/15/14	Andrew Brown	Manager	
DATE	TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM	TITLE	SIGNATURE
LLC-12 (REV 6/12/14)		APPROVED BY SECRETARY OF STATE	

LLC-1	Articles of Organization of a Limited Liability Company (LLC)	201414710307
<p>To form a limited liability company in California, you can fill out this form, and submit for filing along with:</p> <ul style="list-style-type: none">- A \$70 filing fee.- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form. <p>Important! LLCs in California may have to pay a minimum \$600 yearly tax to the California Franchise Tax Board. For more information, go to https://www.ftb.ca.gov.</p> <p>LLCs may not provide "professional services," as defined by California Corporations Code sections 13401(a) and 13401.3.</p> <p>Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.</p>		<p>FILED</p> <p>Secretary of State State of California</p> <p>MAY 23 2014</p>
<p>For questions about this form, go to www.sos.ca.gov/business/bailling-tips.htm</p>		
<p>LLC Name (Use the proposed LLC name exactly as it is to appear on the records of the California Secretary of State)</p> <p>① <u>1175 Campbell Ave LLC</u></p> <p><small>Proposed LLC Name</small> The name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company, and may not include bank, trust, trustee, incorporated, Inc., corporation, or corp., insurer, or insurance company. For general entity name requirements and restrictions, go to www.sos.ca.gov/business/bailling-tips.htm.</p>		
<p>Purpose</p> <p>② The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.</p>		
<p>LLC Addresses</p> <p>③ a. <u>16270 Kennedy Road</u> <u>Los Gatos</u> <u>CA 95032</u></p> <p><small>Initial Street Address of Designated Office in CA - Do not list a P.O. Box</small> <small>City (no abbreviations)</small> <small>State</small> <small>Zip</small></p> <p>b. <u>16270 Kennedy Road</u> <u>Los Gatos</u> <u>CA 95032</u></p> <p><small>Initial Mailing Address of LLC, if different from 3a</small> <small>City (no abbreviations)</small> <small>State</small> <small>Zip</small></p>		
<p>Service of Process (Use a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your LLC is sued. You may list any person who lives in California. You may not list an LLC as the agent. Do not list an address if this agent is a California registered corporate agent as the address for service of process is already on file.)</p> <p>④ a. <u>Richard Brown</u></p> <p><small>Agent's Name</small></p> <p>b. <u>16270 Kennedy Road</u> <u>Los Gatos</u> <u>CA 95032</u></p> <p><small>Agent's Street Address (If agent is not a corporation - Do not list a P.O. Box)</small> <small>City (no abbreviations)</small> <small>State</small> <small>Zip</small></p>		
<p>Management (Check only one)</p> <p>⑤ The LLC will be managed by:</p> <p><input type="checkbox"/> One Manager <input type="checkbox"/> More Than One Manager <input checked="" type="checkbox"/> All Limited Liability Company Member(s)</p>		
<p>This form must be signed by each organizer. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of organization.</p> <p><u>Andrew Brown</u></p> <p><small>Organizer - Sign here</small> <small>Print your name here</small></p>		
<p>Note: Check money order payable to: Secretary of State</p> <p>Upon filing, we will return one (1) unrecorded copy of your filed document for free, and will verify the copy upon request and payment of a \$5 certification fee.</p> <p><small>By Mail</small> Secretary of State Business Entities, P.O. Box 944728 Sacramento, CA 95834-2263</p> <p><small>Drop-Off</small> Secretary of State 1500 11th Street, 3rd Floor Sacramento, CA 95814</p>		

Corporations Code §§ 17721.04, 17721.05, 17721.13, 17722.01, Revenue and Taxation Code § 17541
LLC-1 (REV 6/12/11)

2014 California Secretary of State
www.sos.ca.gov/business

EXHIBIT C

sjpermits.org

Log In or Register

Available Online Permits

FAQs

Resources

Get Development Updates

Privacy Policy

Feedback Form

Contact Us

Permit Center

200 E Santa Clara St

San José CA 95113

(408) 535-3555

Permit Center Website

www.sanjoseca.gov

Property

Disclaimer: The information provided is for general information purposes. The information should be verified prior to using it for development or real estate transaction purposes.

Address	Legal	Type	Zoning	Status
1175 CAMPBELL AV SAN JOSE	Lot	LI		Active

Property Information

General Plan 2040	Light Industrial
General Plan 2040	Light Industrial
Historic Resource	No
Historic Area	No
Flood Zone	AH,D
Flood Zone	AH,D
Flood Zone	AH,D
Flood Zone	AH,D
Seismic Hazards	Liquefaction
GeoHazard Zone	No
Council District	6
Building Inspection Area	5
School District	San Jose Unified School District

More Property Information...

EXHIBIT D



12/4/19 – Front of business.



12/4/19 – Business vehicle in front of business.



12/4/19 – Towed vehicle.



12/4/19 – Inside of property, towed vehicles on sides of buildings.



12/4/19 – Towed vehicles towards rear of property.

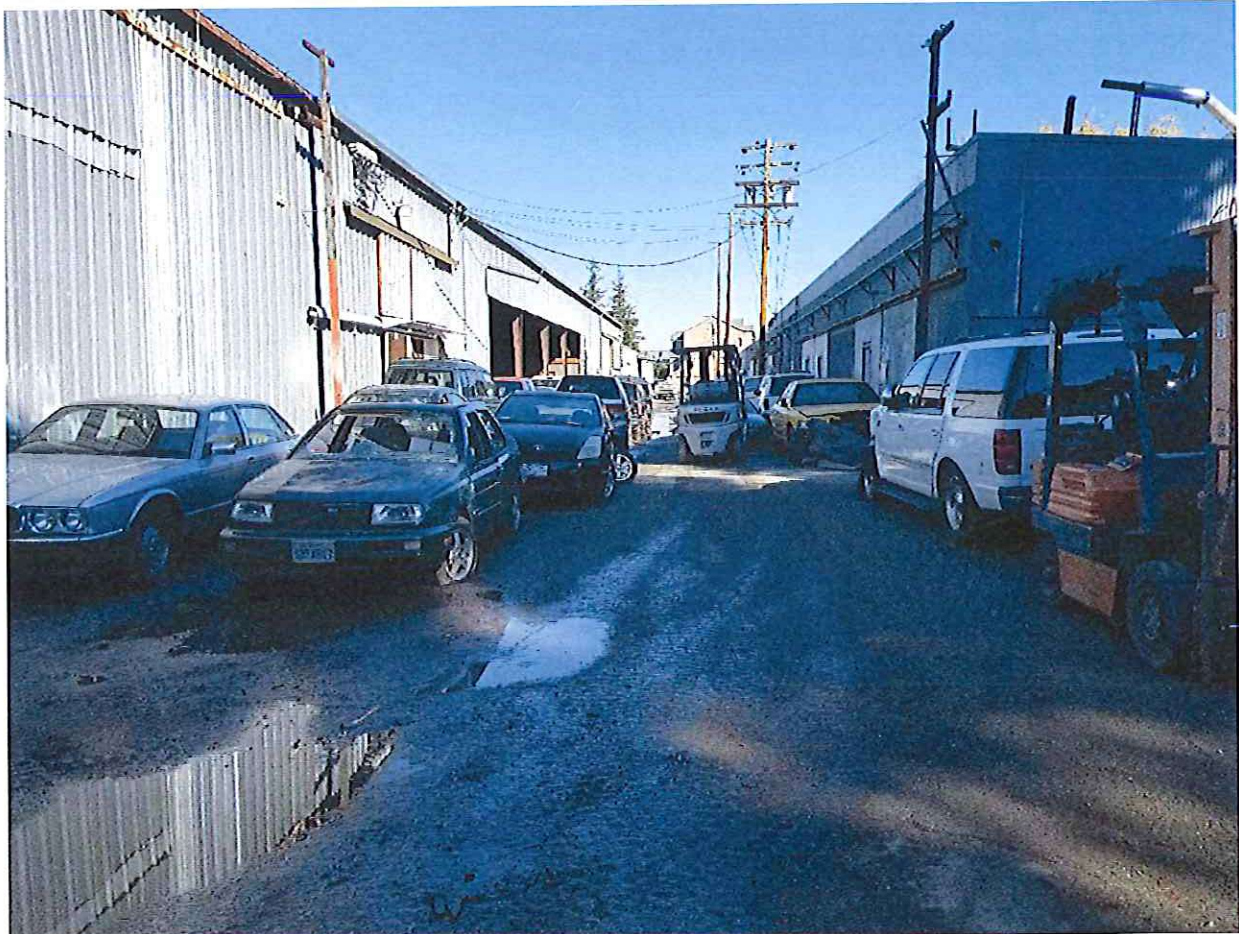


12/4/19 – Inside of property, towed vehicles toward rear of property.

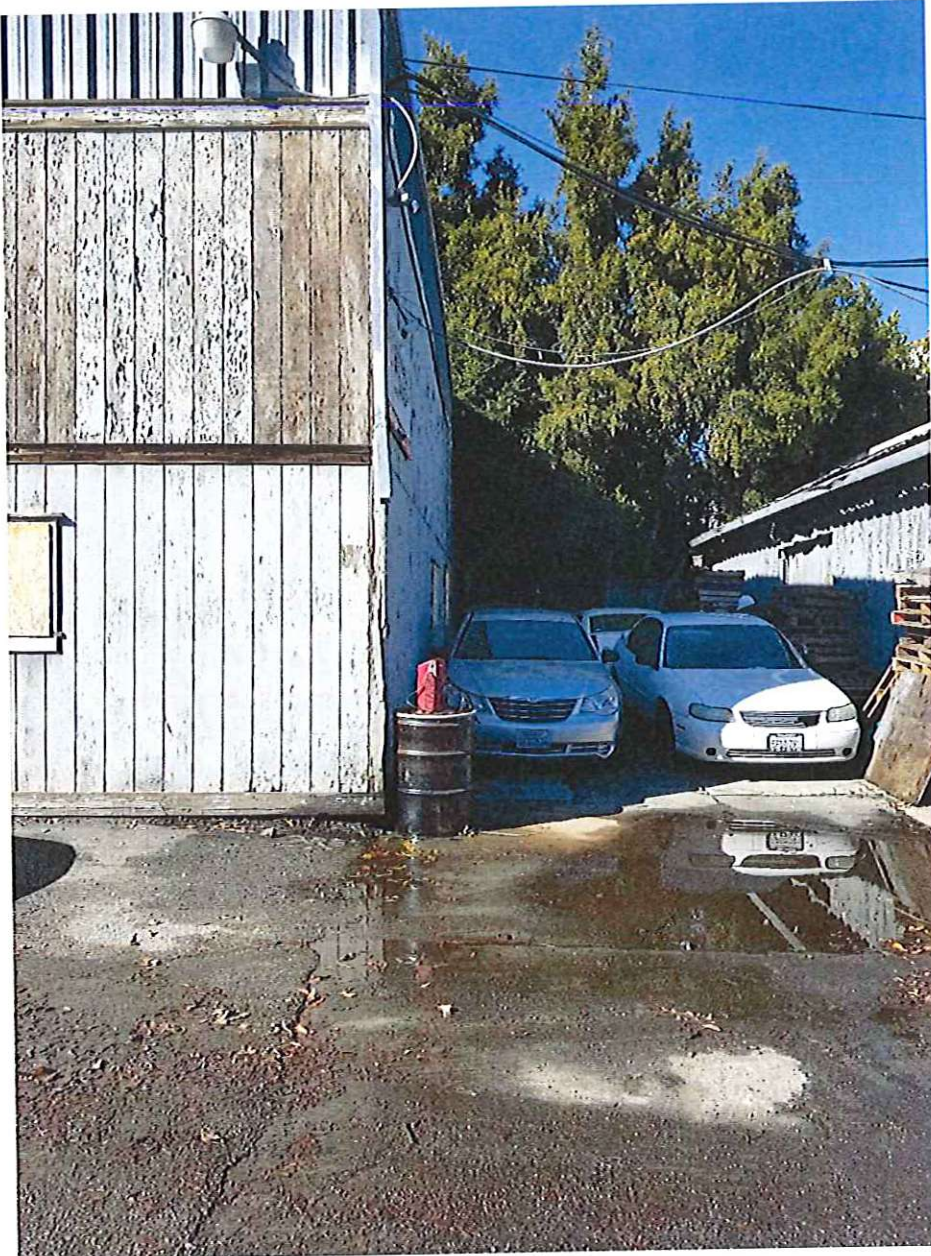


12/4/19 – Towed vehicles in rows at rear of property.

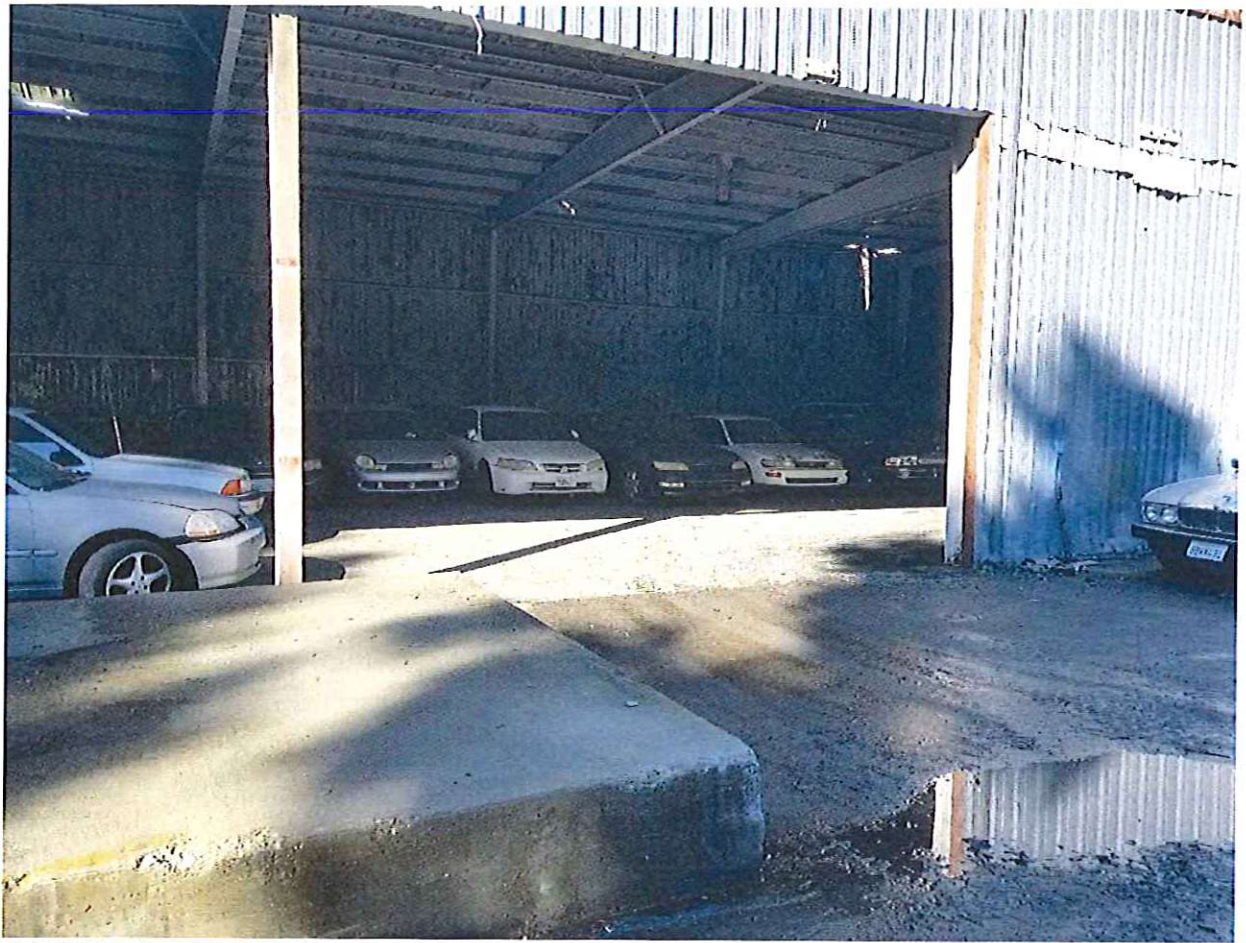
EXHIBIT E



12/06/2018 – Driveway leading to offices of business.



12/6/2018 - Towed vehicles between buildings of property.



12/6/2018 – Open warehouse building being used as storage for towed vehicles.



12/6/2018 - Towed vehicles at rear of property and against fence line.



12/6/2018 – Towed vehicles on south side of parcel and against fence line.

EXHIBIT F

Inspection Notice
1175 Campbell Avenue
Page 41

CITY OF SAN JOSE – INSPECTION NOTICE
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 1 of 2

Owner: 1175 CAMPBELL AVE LLC C/O RICHARD BROWN
Mailing Address: 16270 KENNEDY RD
LOS GATOS CA 95032-6435
Occupant: CENTURY TOW
Case No: 201819562
Violation Address: 1175 CAMPBELL AV
Inspection Date: December 6, 2018
Correction Due Date: See Page 2

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
20.10.030	Compliance required No person shall use, allow or suffer the use of any land, building or structure except in strict compliance with the provisions of this Title 20 (of the San Jose Municipal Code), including the development and performance standards herein, and any Permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.	
20.50.010 B	Industrial Zoning Districts No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the IP, LI and HI Industrial Districts except as set forth in this Chapter (20.50 of the San Jose Municipal Code).	
20.50.100	Allowed uses and permit requirements "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in <u>Chapter 20.100</u> . "Conditional" uses which may be approved only on property designated on the land use/transportation diagram of the general plan, as amended, with the combined industrial/commercial designation or, in the case of hotel/motel establishments, may also be approved on property designated on the land use/transportation diagram of the general plan, as amended, with the preferred hotel site overlay, are indicated by a "C ^{CP} " on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in <u>Chapter 20.100</u> .	

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS NOTICE, BEFORE THE REINSPECTION DATE ABOVE, MAY RESULT IN ISSUANCE OF A COMPLIANCE ORDER THAT COULD RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS.

CITY OF SAN JOSE -- INSPECTION NOTICE
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 2 of 2

Table 20-110
Industrial Districts Land Use Regulations

Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	III	
Vehicle Tow Yard	-	-	-	C	S	

VIOLATION

The subject property is zoned as LI-Light Industrial which requires a conditional use permit for a tow yard. The property is currently being used as a Tow Yard without the required Conditional Use Permit.

CORRECTIONS REQUIRED

Option A:

- On or before January 22, 2019, cease the use of a tow yard on the property. This includes removing all vehicles and all business related items.

OR

Option B:

- On or before December 19, 2018, contact Planner Ed Schreiner at Ed.schreiner@sjonline2.gov or 408-535-7601, to discuss permit requirement, compliance, and corrective actions required, regarding the violation(s) at the subject property.
- On or before January 22, 2019, submit a complete application to obtain a Conditional Use Permit, and/or other Planning approvals as required by the Planning Department, to allow the vehicle tow yard use. All fees must be paid and required documents submitted in order for the application to be considered a valid submittal.
- On or before May 22, 2019, obtain approved Conditional Use Permit by the City of San Jose.

If compliance has not been achieved by the date as reflected in this inspection notice, the City of San Jose will assess a re-inspection fee of \$206.00 for each re-inspection.

December 6, 2018
Date of Notice

Hector Ortiz 132E
Code Enforcement Inspector

(408) 793-6901
Phone #

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS NOTICE, BEFORE THE REINSPECTION DATE ABOVE, MAY RESULT IN ISSUANCE OF A COMPLIANCE ORDER THAT COULD RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS.

EXHIBIT G

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 1 of 4

Owner: 1175 CAMPBELL AVE LLC C/O
RICHARD BROWN
Mailing Address: 16270 KENNEDY RD
LOS GATOS CA 95032-6435
Occupant: CENTURY TOW
Case No: 201819562
Permit No: N/A
Violation Address: 1175 CAMPBELL AV
Inspection Date: December 6, 2018, January 22, 2019
Compliance Date: See Page 3

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
20.10.030	Compliance required No person shall use, allow or suffer the use of any land, building or structure except in strict compliance with the provisions of this Title 20 (of the San Jose Municipal Code), including the development and performance standards herein, and any Permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.	
20.50.010 B	Industrial Zoning Districts No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the IP, UI and III Industrial Districts except as set forth in this Chapter (20.50 of the San Jose Municipal Code).	
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WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 2 of 4

Table 20-110
Industrial Districts Land Use Regulations

Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	III	
Vehicle Related Uses						
Vehicle Tow Yard	-	-	-	C	S	

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 3 of 4

VIOLATION

- The subject property is zoned as LI-Light Industrial which requires a conditional use permit for a tow yard. The property is currently being used as a Tow Yard without the required Conditional Use Permit.

CORRECTIONS REQUIRED

Option A:

- On or before February 25, 2019, cease the use of a tow yard on the property. This includes removing all vehicles and all business related items.

OR

Option B:

1. On or before February 7, 2019, contact Planner Ed Schreiner at Edward.Schreiner@sanjoseca.gov or 408-535-7601, to discuss permit requirement, compliance, and corrective actions required, regarding the violation(s) at the subject property.
 2. On or before February 25, 2019, submit a complete application to obtain a Conditional Use Permit, and/or other Planning approvals as required by the Planning Department, to allow the vehicle tow yard use. All fees must be paid and required documents submitted in order for the application to be considered a valid submittal.
 3. On or before June 25, 2019, obtain approved Conditional Use Permit by the City of San Jose.
- Additional property and permit information may be found on the City's website at www.sjpermits.org/permits/ or by calling our information hotline at (408) 535-3555.

Note: Temporary banner signs are allowed for a maximum of 30 days.

NOTE: PERMITS FROM THE BUILDING DIVISION ARE REQUIRED FOR STRUCTURAL, PLUMBING, MECHANICAL AND ELECTRICAL WORK. WORK DONE WITHOUT THE REQUIRED PERMITS IS A MISDEMEANOR AND WILL NOT QUALIFY AS COMPLIANCE.

If compliance has not been achieved by the date as reflected in this compliance order, the City of San Jose will assess a re-inspection fee of \$203.00 for each re-inspection.

January 23, 2019
Date of Notice

Hector Ortiz 132E
Code Enforcement Inspector

(408) 793-6901
Phone #

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 4 of 4

The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued a Compliance Order (Compliance Order) alleging that the subject property is in violation with the San Jose Municipal Code. Failure to correct all violations listed in the order, before the compliance date may result in administrative penalties up to \$2,500 per day for each violation until compliance is achieved as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal or civil, which may be pursued by the city in response to any violation.

If you believe that your property is not in violation with the San Jose Municipal Code and you dispute the basis for Compliance Order, you MUST file a request for a Director's hearing within fourteen (14) calendar days of the date of the Compliance Order was mailed or personally delivered to the responsible person(s).

Your request for hearing must be mailed or personally delivered to:

City of San Jose
Code Enforcement Division
200 East Santa Clara Street 4th flr.
San Jose Ca, 95113-1905

Your request for an appeal must be received by the City within the timeline above. If you do not file a request for hearing, the Compliance Order will become final. If a timely appeal is filed, then a hearing will be scheduled. You will receive at least seven (7) days notice that a hearing on your appeal will take place.

The Director's hearing is informal and provides you with an opportunity to present your evidence and testimony in dispute of the Compliance Order. After the close of the hearing, the Director will make a decision. The written decision will be mailed to the person subject to the Compliance Order. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board within ten (10) days of the date of the written decision of the Director. That Board is described at:
<http://www.sanjoseca.gov/index.aspx?NID=341>

Your rights when a Compliance Order is issued are contained in the San Jose Municipal Code Section 1.14.030 and the following sections. It is available on line at www.sanjoseca.gov by clicking on the link at the right of the page, "Municipal Code."

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

EXHIBIT H

Inspection Notice
1175 Campbell Avenue
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Department of Planning, Building and Code Enforcement

03-05-2019

1175 CAMPBELL AVE LLC/R & C BROWN & ASSOCIATES
16270 KENNEDY RD
LOS GATOS CA 95032-6435

SUBJECT: 1175 CAMPBELL AV BUILDING, SAN JOSE CA 95126-1060
CASE NUMBER: 201819562

The Compliance Order issued on January 22, 2019 stated to either cease the use of a tow yard on the property and remove all vehicles, business related items or submit a complete application to obtain a Conditional Use Permit in accordance with the code by February 25, 2019. It was confirmed through inspection conducted on February 28, 2019 that the property was not vacated or a Conditional Use Permit applied for.

Based on the above, I will be preparing the case to go before the *Appeals Hearing* Board in order to recover administrative cost and levy administrative penalties. Administrative penalties can be levied as high as \$2,500 for each day past the compliance due date, per violation.

Please contact me at (408)793-6901 should you have information relative to the correction status for the outstanding violations.

Thank You for your anticipated cooperation.


Hector Ortiz 132E
Code Enforcement Inspector 

EXHIBIT I



5/6/2019 – Front of business.



5/6/2019 – Business entrance



5/6/2019 – Front of business.

1
2 **PROOF OF SERVICE**

3 CASE NAME: CITY OF SAN JOSE v 1175 CAMPBELL AVE LLC C/O RICHARD BROWN

4
5 I, the undersigned declare as follows:

6 I am a citizen of the United States, over 18 years of age, employed in Santa Clara
7 County, and not a party to the within action. My business address is 200 E. Santa Clara
8 Street, San Jose, California 95113, and I am employed in the county where the service
9 described below occurred.

10 On June 12, 2019, I caused to be served the within:

11 **NOTICE OF HEARING**
Regarding real property located at:

12 **1175 CAMPBELL AVENUE SAN JOSE CA 95126**

13 ☒ by MAIL, with a copy of this declaration, by depositing them into a sealed envelope,
14 with postage fully prepaid, and causing the envelope to be deposited for collection
15 and mailing on the date indicated above.

16 I further declare that I am readily familiar with the business' practice for collection and
17 processing of correspondence for mailing with the United States Postal Service. Said
18 correspondence would be deposited with the United States Postal Service the same
19 day listed above in the ordinary course of business.

20 I further declare that the name and address as shown on the envelope is as follows:

21 Party Served:

22 **1175 CAMPBELL AVE LLC**
C/O RICHARD BROWN
16270 KENNEDY ROAD
LOS GATOS, CA 95032-6435

23 Party's Served:

24 **1175 CAMPBELL AVE LLC**
C/O RICHARD BROWN
1175 CAMPBELL AVENUE
SAN JOSE CA 95126

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on **June 12, 2019**, at San Jose, California.

27 
28 **KARLA CACERES**
STAFF SPECIALIST